

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BARBARA STUART ROBINSON,

Plaintiff(s),

v.

KING COUNTY,

Defendant(s).

CASE NO. 2:22-cv-01254-TL

ORDER OF DISMISSAL

This matter is before the Court on its own motion. Upon review of Plaintiff's Amended Complaint (Dkt. No. 9) and for the reasons stated below, the Court ORDERS this case DISMISSED for failure to state a claim upon which relief can be granted.

On September 7, 2022, Plaintiff filed an application to proceed *in forma pauperis* (Dkt. No. 1) with a proposed *pro se* complaint (Dkt. No. 1-1) against Defendant King County claiming civil rights violations under 42 U.S.C. § 1983. Plaintiff's application was granted (Dkt. No. 3), and her Complaint was entered on the docket on September 14, 2022 (Dkt. No. 4). Having reviewed Plaintiff's Complaint, on September 23, 2022, the Court found that Plaintiff failed to

1 state a claim upon which relief may be granted and dismissed the Complaint without prejudice
2 pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Dkt. No. 8. The Court identified specific deficiencies
3 with Plaintiff's effort to state a claim against a local government unit under 42 U.S.C. § 1983,
4 including a lack of concrete facts and failure to (1) specify any right protected by the United
5 States (versus Washington State) Constitution that was violated, (2) allege the existence of a
6 specific policy or custom, (3) assert any specific facts amounting to deliberate indifference, or
7 (4) assert facts connecting the alleged policy or custom to the alleged deprivation of rights. *Id.*
8 at 3. Plaintiff was granted leave to amend her Complaint and was ordered to do so by no later
9 than October 24, 2022. *Id.* at 4.

10 Plaintiff filed an Amended Complaint later that same day, September 23, 2022. Dkt.
11 No. 9. In the Amended Complaint, Plaintiff continues to seek redress of unspecified harms that
12 she believes she suffered because of Defendant King County's alleged failure to comply with its
13 own laws and regulations and its alleged violations of its constitutional obligations under the
14 Washington State Constitution. *See id.* Plaintiff's Amended Complaint fails to cure the
15 deficiencies noted by the Court in its prior order of dismissal. Plaintiff did not add any additional
16 concrete facts regarding the nature of her claims and instead continues to make general, vague,
17 and conclusory assertions. *See id.* Further, none of Plaintiff's revisions in the Amended
18 Complaint (1) specify any right protected by the United States Constitution that was violated,¹
19 (2) allege the existence of a specific policy or custom, (3) assert any specific facts amounting to
20 deliberate indifference, or (4) assert facts connecting the alleged policy or custom to the alleged
21 deprivation of rights. *See id.*

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24 ¹ Plaintiff continues to make claims based solely upon the Washington State Constitution, Washington state laws,
and King County local codes. Dkt. No. 9 at 3-6. The Court previously explained that such claims are the rightful
domain of the state, not federal court. Dkt. No. 8 at 4.

1 Plaintiff's Amended Complaint fails to plausibly state a claim for municipal liability
2 under 42 U.S.C. § 1983 against King County. The Court therefore ORDERS this case DISMISSED
3 WITHOUT PREJUDICE pursuant to § 1915(e)(2)(B)(ii). Summons shall not issue, and judgment
4 shall be entered consistent with this ruling.

5 Dated this 13th day of October 2022.

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8 Tana Lin
9 United States District Judge
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